

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
April 5, 2005**

Place: Room 206  
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:  
Damanti, Forman, Conze, Bigelow, Kenny, Spain

STAFF ATTENDING: Ginsberg, Keating  
COURT REPORTER: Beler

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Chairman Damanti read the following agenda item:

**Coastal Site Plan Review #198-A, Flood Damage Prevention Application #216-A, Land Filling & Regrading Application #133-A, Bluff Island, LLC, 23 Butler's Island Road.** Proposing to substantially reconstruct, or if necessary, to demolish and replace the existing residence and detached garage; and construct a swimming pool and spa; and to perform related site development activities within regulated areas. The subject property is located on the south side of Butler's Island Road, approximately 600 feet southeast of its intersection with North Road, and is shown on Assessor's Map #67 as Lot #79 in the R-1 Zone.

Attorney Robert Maslan said that because they have not obtained a variance, the application to the Planning & Zoning Commission has been withdrawn.

Chairman Damanti read the following agenda item:

**Proposed Amendment of Town Zoning Map put forth by the Planning & Zoning Commission.** Proposing to rezone a property and a portion of the Old King's Highway North right-of-way now zoned DOR-5 (Designed Office and Research, 5 acre minimum lot size) to Office Business (OB). The subject property is located on the south side of Old King's Highway North, approximately 600 feet northeast of its intersection with Brookside Road, and is shown on Assessor's Map #35 as Lot #38 in the DOR-5 Zone.

Director of Planning, Jeremy Ginsberg, reviewed an illustrative map depicting the private property and the street right-of-way to be proposed to be changed from DOR-5 to Office Business (OB) Zone. He explained that the Town has notified all of the adjacent property owners of the proposed amendment. He read the following statement:

“The Darien Planning and Zoning Commission is proposing to rezone one property at 85 Old King's Highway North and a portion of the Old King's Highway North right-of-way from Designed Office and Research-5 acre minimum lot size (DOR-5) to Office Business (OB). The subject property is slightly less than 5 acres in size. There is now a building on the 85 Old King's Highway North property.

In the OB Zone, Executive and Administrative Offices are permitted as of right. In the DOR-5 Zone, such uses are Special Permit uses. The OB Zone also allows Business and Professional

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Offices as-of-right, while the DOR-5 Zone does not allow them at all. The definitions are as follows:

*Offices, Administrative and Executive: An office facility which is designed to serve a headquarters or central administration type function and is not designed or oriented to provide goods and services directly to the local public. Parking facilities shall be used on a non-transient basis. In order to minimize the impact on traffic and parking by such facilities on neighboring residential areas, the Commission shall have the right to impose a limit of one employee per 250 square feet.*

*Offices, Business and Professional: An office structure which supplies office space for businesses and professional persons who primarily provide goods or services directly to the local population. Such facility is generally subdivided into multiple units and typical tenants include doctors, lawyers, real estate agents, architects, engineers, and similar office uses. Requirements for pedestrian access and parking reflect the largely transient nature of the business activities.*

As noted, Business and Professional offices include doctor's offices and such facilities. For example, a Medical Diagnostic Imaging Center would be considered a doctor's office, a business and professional use. The purpose of the OB Zone, as stated in Section 711 of the Darien Zoning Regulations, "This zone is designed to provide an area suitable for a combination of Executive and Administrative Offices and Business and Professional Offices." Since the existing building has had Executive and Administrative Offices, it is clearly suitable for that use.

The area around the property is a mix of zoning districts and uses. Immediately adjacent to the site are the DB-1, DB-2, R-1/2 and DOR-5 zones. Nearby are DC and OB.

This proposal is fully consistent with 1995 Town Plan of Development: the proposed zone change retains the existing scale of development, while improving the viability of this commercial area (p.76). The Commission continues to adhere to its policy of distinguishing between Executive and Administrative Offices and Business and Professional Offices, as specifically noted within the Town Plan (p.75).

Per Section 8-3 of the Connecticut General Statutes, the Commission must state upon the record the reason why such change is made, and note whether it is consistent with the Town Plan.

I recommend that the Commission adopt this zone map change, with an effective date of April 24, 2005 at twelve noon. This will allow the legal notice of said change to be published in the paper on Thursday, April 14<sup>th</sup>. It will also give the Department time to print new maps and post the new Zoning Map on the Town web site, and have copies available for review and purchase by the general public as required by State law."

Mr. Ginsberg paraphrased by saying that the change of zone is to accommodate a recent proposed amendment of the Regulations that would have had far reaching impacts on other areas and yet the Planning & Zoning Commission wanted to accommodate the medical diagnostic office use. The proposed rezoning to Office Business Zone allows for flexibility for the future expansion or compatible medical services' offices to be located in the same building and that the property has adequate on-site parking to accommodate possible office uses. It is a transitional area with a number of various business zones and different types of uses and, by amending the zoning district

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rather than amending the Regulations, it keeps a clear distinction between the DOR-1 and 5 zones that permit only executive and administrative office type uses and the other commercial zones that allow for business and professional office uses. The rezoning gives flexibilities and a variety of options to the property owner without taking away any options.

In the discussion that followed, pedestrian access along Old King's Highway South was questioned. There are scattered sidewalks in the area and the Commission members noted that pedestrian access does not necessarily mean complete sidewalks everywhere. The lack of connecting sidewalks in the neighborhood does not mean that the zone should not be changed, it only means that the town and property owners should work on improving pedestrian access if it is warranted.

Gil Lefferts, a resident of Darien Close, spoke and indicated that he had no objection to the proposed rezoning.

Attorney William Hennessey, who represented Stamford Hospital with respect to the original proposed Amendment to the Zoning Regulations, said that he believes that this is another good solution to the issue and that the proposed change to the Zoning Map would allow his client to open the Diagnostic Imaging Center in the original location that was desired.

There were no further comments from the public or Commission members. The following motion was made: that the Commission close the public hearing regarding this matter. The motion was made by Mr. Bigelow, seconded by Mrs. Forman and unanimously approved.

Chairman Damanti read the following agenda item:

**Continuation of Public Hearing regarding Business Site Plan #159-A, First County Bank, 1006 Boston Post Road.** Proposing to raze the existing buildings and to construct a new bank building with drive-through lane and perform related site development activities. The subject property is located on the southeast side of Boston Post Road approximately 400 feet southwest of its intersection with Center Street, and is shown on Assessor's Map #72 as Lot #10, CBD Zone. *PUBLIC HEARING OPENED ON FEBRUARY 1, 2005.*

Attorney Wilder Gleason explained that the public hearing on this matter had originally been opened on February 1, 2005. Since that time, he has had a number of different meetings, including with the Darien Community Association, which owns the property immediately to the east. Mr. Gleason reminded the Commission that many months ago they had come to the Commission with some initial conceptual plans regarding the proposed development of the site and that the conceptual plan with a separate entrance and separate egress driveway was the plan that the Commission liked the best of the plans he put before the Commission. He noted that trucks currently enter and exit the site to get to the carpet sales facility on the rear portion of the property and that there is currently no prohibition about left turns from the existing driveway.

Chairman Damanti explained that he had previously represented the property owners regarding other matters. He does not currently represent the property owners regarding this matter or any other matter and, therefore, he has no conflict of interest. However, he would step aside if anyone felt he might have a conflict of interest. No one indicated any concerns or problems with Mr. Damanti's participation in this matter.

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Attorney Gleason said that the Zoning Board of Appeals has expressed some concerns regarding safety and traffic issues that have been raised by Police Chief Lovello. Attorney Gleason claimed that the variance requests involve parking and the driveway width and the size of the front sign, not safety or traffic issues. He said that the Zoning Board of Appeals will continue their public hearing on April 20<sup>th</sup>. He asked that the Planning & Zoning Commission write to the Zoning Board of Appeals indicating that they, the Planning & Zoning Commission, is aware of and will be addressing the traffic and safety issues expressed by Chief Lovello. Mr. Gleason said that a strong point of this project is that it allows everyone to get access from the Boston Post Road to the Center Street municipal parking area.

Attorney Gleason said that one of the concerns of the Zoning Board of Appeals is pedestrian access and safety along the Boston Post Road. To address this, the building has been moved four feet back from the front property line but this is counter to the Planning & Zoning Commission desire to have the building up against the front property line.

Mr. Damanti noted that Section 1125-a of the Zoning Regulations very clearly indicates that the Zoning Board of Appeals can and must impose necessary conditions to protect the public health, safety and welfare. He thought that it might be appropriate for Town Counsel to advise the Planning & Zoning Commission and Zoning Board of Appeals about who should take the primary action regarding public safety and traffic management. He and the other Commission members agreed that it would be best for the applicant to complete their process with the Zoning Board of Appeals before the Planning & Zoning Commission takes up the matter in detail.

Attorney Gleason said that one alternative that they have investigated would be to slide the building farther to the east and have the drive-up teller located on the west side of the building. This would leave only four spaces in the queueing line before traffic starts to build up in the Boston Post Road.

The Commission concluded that they would continue the public hearing regarding this matter on April 26, 2005. Commission members hoped, by that time, the Zoning Board of Appeals would have reached a decision regarding the application. The following motion was made: that the Commission continue this public hearing on April 26, 2005; moved by Mr. Spain, seconded by Mr. Bigelow and unanimously approved.

Chairman Damanti read the following agenda item:

**Business Site Plan #237/Special Permit, Dolman Properties, 22 Grove Street.** Proposing to convert the existing residence to a real estate office, and construct a handicapped-accessible entrance to the existing building. The subject property is located on the northwest side of Grove Street, approximately 110 feet west of its intersection with Brook Street, and is shown on Assessor's Map #73 as Lot #20 in the CBD Zone.

Chairman Damanti explained that he had previously represented the property owners on other matters. He is not representing the owners at this time or on this matter. He sees no conflict of interest but indicated his willingness to step aside in case anyone did see a potential conflict of interest. No one indicated any concern.

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Mr. Kenny said that he has been involved in discussions with the applicant during the preparation of the application. Although he felt that he could act on this application in an unbiased manner, he said that to avoid any perception of a conflict of interest, he would not participate in this matter. He left the meeting room for the discussion regarding this application.

Dan Dolcetti represented the property owners and explained that they have obtained a variance from the Zoning Board of Appeals (Cal. No. 16-2005). They will need to install a handicapped access ramp to provide better access to the first floor.

In response to questions, Mr. Ginsberg explained that the Business Site Plan application is necessary to change the use of the building from a residential dwelling to any business use whatsoever. In this case, the applicant has proposed that the entire building be used as an office. In order for the first floor of a building in the Central Business District to be used for offices, the applicant must obtain a Special Permit from the Planning & Zoning Commission. That is why there is a reference to a Special Permit approval.

Mr. Dolcetti explained that the proposed use of the building will be as an auxiliary office to the William Pitt real estate office that is currently located across Grove Street (and which fronts on the Boston Post Road). The building at 22 Grove Street will have office materials and support staff. There is a shared parking lot agreement so that workers at 22 Grove Street will use the existing parking lot at the William Pitt property at 1057 Boston Post Road. It is not intended that the clients or customers of the real estate office would use the building at 22 Grove Street. It would be used as a back office operations facility and occasionally for staff meetings.

Mr. Dolcetti noted that there are comments from the Fire Marshal and that they are in the process of addressing all of those comments. They will be modifying the building to comply with the State Fire Code requirements. He said that the building has previously been a residential dwelling unit and has never been designed as, nor is it appropriate to be, used as a retail sales facility. In addition to complying with the Fire Code, they will comply with all Building Code requirements. He said that they do not plan to extend the sidewalk in front of the property because this might impact the on-street parking. He said if they will need a small sign and they will need to go to the Architectural Review Board for permission to install that sign.

Mr. Damanti noted that the Glassmeyer Grove Street Plaza project located directly to the east is nearing completion and that project is immediately adjacent to the municipal parking area. The property at 22 Grove Street is all that separates the municipal parking area/Glassmeyer project from the recently renovated movie theatre building and the large common parking area located adjacent to the movie theatre and Sport Shop buildings. He felt that it would be appropriate to encourage pedestrian access between the municipal parking area and the large common parking lot behind the movie theatre and that a sidewalk would provide a safer way for pedestrians to access the area.

Phil Dolcetti explained that Mrs. Glassmeyer has recently installed a fence along her side property line and that a possible sidewalk extension might impact that fence. He also noted that two large trees in front of 22 Grove Street might be affected by a sidewalk installation. Mr. Conze said that it makes sense to him to connect the sidewalks and that each owner is responsible for installing the sidewalks in front of their own site.

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There were no comments from the public regarding the application. The following motion was made: that the Commission close the public hearing regarding this matter. That motion was made by Mr. Bigelow, seconded by Mr. Spain and unanimously approved.

**GENERAL MEETING**

Chairman Damanti called the General Meeting to order at 8:55 p.m. Commission members attending included Messrs. Damanti, Conze, Bigelow, Kenny, Spain and Mrs. Forman. Staff included Messrs. Ginsberg and Keating.

Chairman Damanti read the following agenda item:

**Informal discussion regarding Air Express International, 120 Tokeneke Road, DOR-5 Zone.**

*Question regarding separation of building for purposes of the existing tenant limitation (Section 706j of the Darien Zoning Regulations)*

Attorney Sandy Campbell explained that his prospective buyer of the property wishes to utilize the site for executive and administrative offices but is concerned that it is limited to three tenants because it is all one building. Attorney Campbell explained that the building is actually two separate buildings that share a common entrance lobby and elevator area. There is a total of 41,000 square feet in the entire structure and it may not be possible to find three executive and administrative office tenants to take that much space. He said that if the building is considered as two buildings in functional terms, then they could have as many as three tenants in each of the buildings.

Attorney Campbell said that on part of the map it refers to the east building and the west building but said that it is taxed all as one single building.

Mr. Conze said that the number of tenants does not matter to him as long as each tenant complies with the limitations as an executive/administrative type office. He said that in practical terms it really is two buildings that share a common lobby and elevator.

Commission members agreed that they would treat each of the sections of the building as a separate building and, therefore the owner could have up to three tenants in each section of the building in each side of the common lobby. A motion to that effect was made by Mr. Damanti, seconded by Mr. Conze and unanimously approved.

Chairman Damanti read the following agenda item:

**Requested Modification of Business Site Plan #76-H/Special Permit, Exit 13 Car Wash, 251 Boston Post Road.**

Request to make interior modifications to the building which are different from the previously approved plans.

Mr. Ginsberg explained that interior modifications of the building are proposed because there is a new owner of the business. The past approval from the Commission was very specific and there had been many problems with the construction and development. Therefore, any of the proposed

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changes which are different than the specific plans approved by the Commission require review and action by the Commission. Commission members noted that there were no exterior changes to the building and no changes to the second floor. The interior changes involve the interior walkway that the customers will use as their car is being washed and the location of offices and storage areas and mechanical areas on the ground floor.

Mark Dariano was present to represent Splash Car Wash and answer several questions. Chairman Damanti noted that a neon sign is currently displayed on the window and that neon signs are not permitted. Mr. Dariano agreed to remove the sign.

The following motion was made: that the Commission approve the modifications to the interior floor plan of the ground floor in accordance with the submitted drawings and plans. The motion was made by Mr. Conze, seconded by Mr. Kenny and unanimously approved.

Chairman Damanti read the following agenda item:

**Subdivision Application #605, Graham & Bill, LLC, 153 West Avenue.** Proposing to demolish the existing residences on the property and subdivide the existing 2.1+/- acre property into four lots and an open space parcel.

*Discussion on whether the approved open space is consistent with Commission's Adopted Resolution and/or whether the Commission is willing to amend the Resolution regarding the Open Space configuration.*

Attorney Robert Maslan explained that there had been some confusion regarding the dedication of the open space for this previously approved four lot subdivision. He noted that there are four conservation subdivision lots and that the open space is located adjacent to and part of Lots #3 and #4. The resolution from the Planning & Zoning Commission had specified that the open space will be owned by either one of the parcels or all four of the parcels. He said that he would like the Commission to amend its approval so that part of the open space can be owned by the owner of Lot #3 and part of the open space can be owned by the owner of Lot #4. He said that this was shown on a revised map submitted to the Commission several months ago and the Commission approved the other aspects of the revisions, but since he failed to specifically call out the open space ownership issue, the Commission did not explicitly approve that specific amendment. Commission members discussed the fact that the open space will remain as undeveloped areas and, although they will be owned by adjacent property owners, the individual property owners cannot use the open space areas as extensions of their lawn or back yard or as recreation areas.

The following motion was made: that the Commission amend its approval to allow the open space to be owned partly by the owner of Lot #3 and partly by the owner of Lot #4. The motion was made by Mr. Conze, seconded by Mr. Bigelow and unanimously approved.

Chairman Damanti read the following agenda item:

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**Proposed Amendment of Town Zoning Map put forth by the Planning & Zoning Commission.**

Proposing to rezone a property and a portion of the Old King's Highway North right-of-way now zoned DOR-5 (Designed Office and Research, 5 acre minimum lot size) to Office Business (OB). The subject property is located on the south side of Old King's Highway North, approximately 600 feet northeast of its intersection with Brookside Road, and is shown on Assessor's Map #35 as Lot #38 in the DOR-5 Zone.

The Planning & Zoning Commission noted that the proposed amendment of the Zoning Map is very reasonable and it provides a logical transition between the existing commercial zones and it is consistent with the Town Plan of Development and provides the property owner with considerable flexibility with how the building is used and that the location is appropriate for an office/business zone. For all of these reasons and others cited during the public hearing, the Commission instructed the staff to draft a Resolution that will be acted on at a future meeting.

Chairman Damanti read the following agenda item:

***Discussion, deliberation and possible decision on the following closed public hearing items:***

**Coastal Site Plan Review #204, Flood Damage Prevention Application #218, James & Susan Ramsey, 136 Pear Tree Point Road.** Proposing to construct additions and alterations to the existing residence, abandon the existing septic system and tie into the public sanitary sewer system, and perform related site development activities within regulated areas. The subject property is located on the east side of Pear Tree Point Road, approximately 500 feet south of its intersection with Crane Road, and is shown on Assessor's Map #60 as Lots #38, #39, and #40, in the R-1 Zone

The following motion was made: that the Commission waive the process of reading each of the next three draft Resolutions aloud. The motion was made by Mr. Kenny, seconded by Mr. Conze and unanimously approved. Commission members discussed the Ramsey application and found that there were no comments or changes necessary to the draft Resolution. The following motion was made: that the Commission adopt the following Resolution to approve the project:

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ADOPTED RESOLUTION  
April 5, 2005**

Application Number: Coastal Site Plan Review #204  
Flood Damage Prevention Application #218

Tax Assessor's Map #60 Lot #38, #39, #40

Name and Address of Property Owner: James and Susan Ramsey  
And Applicant: 136 Pear Tree Point Road  
Darien, CT 06820

Name and Address of Applicant's Representative: Kevin Huelster  
Huelster Design Studio, LLC



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61 Jesup Road  
Westport, CT 06880

Activity Being Applied For: Proposing to construct additions and alterations to the existing residence, abandon the existing septic system and tie into the public sanitary sewer system, and perform related site development activities within regulated areas.

Property Location: The subject property is located on the east side of Pear Tree Point Road, approximately 500 feet south of its intersection with Crane Road.

Zone: R-1

Date of Public Hearing: March 22, 2005

Time and Place: 8:00 P.M.      Room 206      Town Hall

Publication of Hearing Notices

Dates: March 10 & 17, 2005

Newspaper: Darien News-Review

Date of Action: April 5, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
April 14, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810 and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The applicant proposes to construct additions and alterations to the existing residence, abandon the existing septic system and tie into the public sanitary sewer system, and perform related site development activities within regulated areas.
2. On January 26, 2005, variances were granted by the Zoning Board of Appeals (Calendar #97-2004) that allowed the proposed residence to be closer to the property line than the Zoning Regulations permit. That ZBA approval is hereby incorporated by reference.

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3. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
4. The proposed activity will have no adverse impacts on flooding and, therefore, this proposal is consistent with the need to minimize flood damage.
5. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
6. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #204 and Flood Damage Prevention Application #218 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Renovation and construction shall be in accordance with the plans submitted to and reviewed by the Commission. These include:
  - "Improvement Location Survey, Proposed" prepared for James A. Ramsey and Susan E. Ramsey, by Ryan and Faulds, LLC Land Surveyors, scale 1"=30', dated August 7, 1997 and amended February 16, 2005.
  - Additions and Alterations to the: The Ramsey Residence 136 Pear Tree Point Road by Huelster Design Studio, Sheet No. A 1.0 to A 2.4.
- B. The extent of site disturbance and site regrading is shown on the submitted plans. No additional filling or regrading is permitted.
- C. Once the foundation has been installed, the engineer or surveyor shall certify in writing that the actual construction of the foundation has been completed in compliance with the approved plans and the applicable requirements with respect to setbacks, elevation and structural soundness within the flood hazard zone.
- D. Air conditioning units and other similar mechanical equipment must be located to comply with the setback requirements of the Regulations and with the minimum height requirements of the flood hazard zone.
- E. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse

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impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- F. A final "as-built" survey is hereby required to certify that house construction near the coastal recourses and/or within the flood hazard area are all in compliance with the approved plans. Prior to occupancy or the request for a Certificate of Zoning Compliance, the applicant shall submit verification from the project engineer that all aspects of the construction, site regrading, re-vegetation of disturbed areas and utility installation have been completed in compliance with the approved plans.
- G. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This will include, but not be limited to, approval from the Sewer Department to tie into the Town Sewer system, and from the Darien Health Department regarding abandonment of the existing septic system.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (April 4, 2006). This may be extended as per Sections 815 and 829f.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

The motion was made by Mr. Kenny, seconded by Mrs. Forman and unanimously approved.

Chairman Damanti read the following agenda item:

**Coastal Site Plan Review #205, Flood Damage Prevention Application #219, Mark Filanowski & Monica McNally, 71 Arrowhead Way.** Proposing to remove fill and restore lawn, replace roof of garage, install garden, resurface driveway and parking area, and perform related site development activities within regulated areas. The subject property is located on the east side of Arrowhead Way, approximately 250 feet south of its intersection with Canoe Trail, and is shown on Assessor's Map #69 as Lot #20, in the R-1 Zone.

There were several typographical errors that were corrected. The following motion was made: that the Commission adopt the following Resolution to approve the project:

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**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
April 5, 2005**

Application Number: Coastal Site Plan Review #205  
Flood Damage Prevention Application #219

Street Address: 71 Arrowhead Way  
Assessor's Map #69, Lot #20

Name and Address of Property Owner: Mark Filanowski & Monica McNally  
71 Arrowhead Way  
Darien, CT 06820

Name and Address of Applicant's Representative: Wilder G. Gleason, Esq.  
And Applicant: Gleason Hill & Ambrette, LLC  
23 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposing to remove fill and restore lawn, replace roof of garage, install garden, resurface driveway and parking area, and perform related site development activities within regulated areas.

Property Location: The subject property is located on the east side of Arrowhead Way, approximately 250 feet south of its intersection with Canoe Trail.

Zone: R-1

Date of Public Hearing: March 22, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: March 10 & 17, 2005

Newspaper: Darien News-Review

Date of Action: April 5, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
April 14, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810 and 820 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The applicant already started to do some site work which requires permits from the Commission. When informed of the problem, the applicant discontinued site work except for installation of erosion controls. The applicant now requests the necessary permits and proposes to remove fill and restore lawn, replace roof of garage, install garden, resurface driveway and parking area, and perform related site development activities within regulated areas.
2. The EPC granted approval for this project on February 2, 2005 (EPC 9-2005). That approval is hereby incorporated by reference.
3. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, and the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
4. The proposed activity will have no adverse impacts on flooding and, therefore, this proposal is consistent with the need to minimize flood damage.
5. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
6. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #205 and Flood Damage Prevention Application #219 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

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- A. Construction shall be in accordance with the plans submitted to and reviewed by the Commission. These include:
- “Zoning Location Survey of #71 Arrowhead Way” prepared for Mark L. Filanowski Monica M. Filanowski, by William W. Seymour & Associates, scale 1”=20’, dated January 10, 2005.
  - Filanowski Residence Arrowhead Way, by Ungemack-McCool Landscape Assoc., scale 1/16”=1 ft., dated 1-10-05.
- B. The submitted plans show a six foot tall fence proposed along the front property line. The Darien Zoning Regulations limit the wall and fence combination in the front yard not to exceed four feet in height. Prior to commencing any work on-site, the Plans shall be revised to reflect this limitation.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. Within one year of this action, the applicant shall submit written verification from the project manager that all aspects of the construction, site regrading, re-vegetation of disturbed areas, fence installation and other site work have been completed in compliance with the approved plans.
- E. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (April 4, 2006). This may be extended as per Sections 815 and 829f.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

The motion was made by Mr. Conze, seconded by Mr. Bigelow and unanimously approved.

Chairman Damanti read the following agenda item:

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**Land Filling & Regrading Application #137, David C. Saunders, 180 Pear Tree Point Road.**

Proposing filling and regrading associated with the construction of a pool, pool house and retaining wall, and the performance of related site development activities. The subject property is located on the north side of Pear Tree Point Road, approximately 200 feet west of its southern intersection with Long Neck Point Road, and is shown on Assessor's Map #60 as Lot #4, R-1 Zone.

The Commission members briefly discussed the draft Resolution and the following motion was made: that the Commission adopt the following Resolution to approve the project:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
April 5, 2005**

Application Number: Land Filling and Regrading Application #137

Street Address: 180 Pear Tree Point Road  
Assessor's Map #60 Lot #4

Name and Address of Property Owner: David C. Saunders  
180 Pear Tree Point Road  
Darien, CT 06820

Name and Address of Applicant &:  
Applicant's Representative: Jeff McDougal  
William W. Seymour & Associates  
170 Noroton Avenue  
Darien, CT 06820

Activity Being Applied For: Proposing filling and regrading associated with the construction of a pool, pool house and retaining walls, and the performance of related site development activities.

Property Location: The subject property is located on the north side of Pear Tree Point Road, approximately 200 feet west of its southern intersection with Long Neck Point Road.

Zone: R-1 Zone

Date of Public Hearing: March 22, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices  
Dates: March 10 & 17, 2005

Newspaper: Darien News-Review

Date of Action: April 5, 2005

Action: APPROVED WITH CONDITIONS

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Scheduled Date of Publication of Action:  
April 14, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is for filling and regrading associated with the construction of a pool, pool house and retaining walls in the northern portion of the site and another retaining wall in the southwest portion of the site and the performance of related site development activities.
2. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
3. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #137 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The filling and regrading shall be in accordance with the information submitted to the Commission entitled:
  - Saunders Residence 180 Pear Tree Point Road, by Wesley Stout Associates, scale 1"=20',
  - Grading Plan, last revised 2/7/05, Sheet L-1;
  - Layout Plan, dated 1-4-05, Sheet L-2;
  - Screening Plan, last revised 2/7/05, Sheet L-3.
- B. All of the site work will be contained on the subject property and will not cross any boundary onto any neighboring site. No filling or change of the grade will occur within 15 feet of the northerly boundary line.
- C. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.



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- D. Sediment and erosion controls shall be installed to properly manage storm water runoff and to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- G. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (April 4, 2006). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

The motion was made by Mrs. Forman, seconded by Mr. Kenny and unanimously approved.

Chairman Damanti read the following agenda item:

**Approval of Minutes**

March 22, 2005

Public Hearing/General Meeting

There were several typographical errors that were corrected and the following motion was made: that the Commission adopt the corrected minutes. The motion was made by Mrs. Forman, seconded by Mr. Conze and unanimously approved.

**2005 Town Plan of Conservation & Development**

Discussion regarding:

Revised draft of Regional Issues Chapter & Appendix

Revised draft of Housing Chapter & Appendix

Comments received to date

There was discussion regarding the various draft charters and appendices of the Town Plan. No action was taken at this time.

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**Any Other Business (Requires two-thirds vote of Commission)**

There being no other business, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

David J. Keating  
Assistant Director of Planning & Zoning

*04052005min*